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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JOSEPH BROWN,

9 Plaintiff,

10 v.

11 RICHARD SURYAN,

12 Defendants.

No. C10-5613 RBL/KLS

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

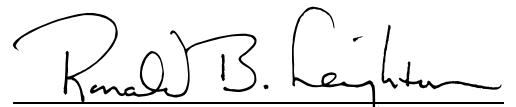
13 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen
14 L. Strombom, objections to the Report and Recommendation, if any, and the remaining record,
15 does hereby find and ORDER:

16 (1) The Court adopts the Report and Recommendation;

17 (2) This action is **DISMISSED without prejudice** prior to service for failure to state
18 a claim. **This dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g);** and

19 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for any
20 Defendants who have appeared, and to the Hon. Karen L. Strombom.

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22 DATED this 29th day of October, 2010.

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26 RONALD B. LEIGHTON
 UNITED STATES DISTRICT JUDGE